

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PRUCO LIFE INSURANCE
COMPANY,

Plaintiff,

v.

LORETTA SCOTT,

Defendant.

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No. 4:13CV02068 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Pruco Life Insurance Company's Motion to Consolidate Actions and to Dismiss the Removed Action [ECF No. 15]. Plaintiff seeks to consolidate this case with *Scott v. Pruco Life Insurance Company*, 4:14CV00025 CEJ, currently pending before the Honorable Carol E. Jackson, after removal from state court. Plaintiff also seeks, in this Court, dismissal of the removed claims brought before Judge Jackson.

Under Federal Rule of Civil Procedure 42, the Court may consolidate actions involving common questions of law or fact. The Court has examined the claims brought in both cases, and finds they involve similar transactions, factual bases, and legal issues. The Court will, therefore, grant Plaintiff's Motion to the extent it seeks consolidation.

However, the Court lacks jurisdiction to determine Plaintiff's Motion to the extent it seeks to dismiss claims currently pending before Judge Jackson. Additionally, the Court notes Joe Henry Scott, Senior, brought those claims; because the Motion to Dismiss was brought in a case where he is not a party, Mr. Scott has not had an opportunity to respond or otherwise object to the potential dismissal of his claims. Thus, the Court will deny Plaintiff's Motion to the extent

it seeks dismissal of Mr. Scott's claims, with leave to refile a motion to dismiss after consolidation.

Accordingly,


IT IS HEREBY ORDERED that Plaintiff Pruco Life Insurance Company's Motion to Consolidate Actions and to Dismiss the Removed Action [ECF No. 15] is **GRANTED, in part** and **DENIED, in part**.

IT IS FURTHER ORDERED that this case shall be **CONSOLIDATED** with *Scott v. Pruco Life Insurance Company*, 4:14CV00025 CEJ, under Case No. 4:13CV02068 ERW.

IT IS FURTHER ORDERED that Plaintiff's Motion for dismissal of the claims pending in Case No. 4:14CV00025 CEJ is **DENIED**, with leave to refile for dismissal post-consolidation.

IT IS FURTHER ORDERED that the Hearing [*See* ECF No. 7 in Case No. 4:14CV00025 CEJ] on this Motion, scheduled for February 12, 2014, at 10:00 a.m., is **VACATED**.

Dated this 6th day of February, 2014.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE